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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,116	02/27/2002	Udo Sohns	028-1-002	9904
27469	7590	03/10/2004	EXAMINER	
MALLINCKRODT & MALLINCKRODT 10 EXCHANGE PLACE, SUITE 510 SALT LAKE CITY, UT 84111			FITZGERALD, JOHN P	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,116

Applicant(s)

SOHNS, UDO

Examiner

John P Fitzgerald

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Handwritten signature

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In view of applicant's amendment filed 01 December 2003, rejection of claim 2 under 35 U.S.C. § 112, first paragraph are withdrawn. However, new rejections under 35 U.S.C. § 112 are present due to applicant's amendment of the claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 2, 4, 5, 8 and 9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "characterized in" in claim 1 is a relative term which renders the claim indefinite. The phrase "characterized in" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is conventional U.S. practice to employ terms and/or phrases such as "comprising" or "consisting of." Furthermore, applicant's amendment of claim 1 appears to employing a Jepson type format, and thus all recitations preceding the term "characterized in" is considered disclosed Prior Art.

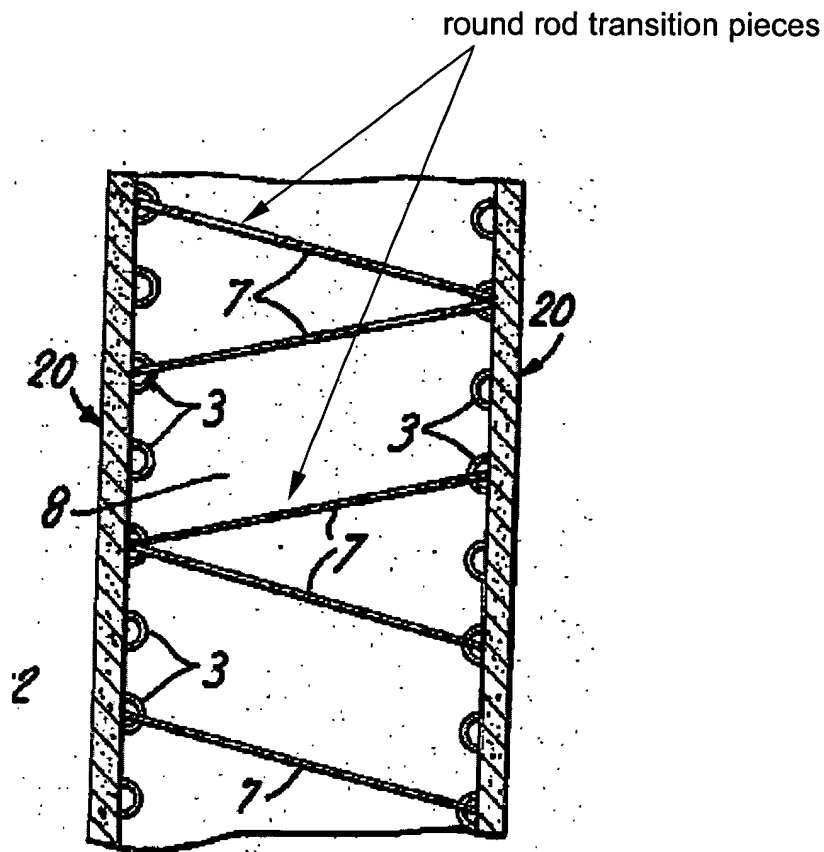
Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 2, 4, 5, 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's disclosed Prior Art and Klaue. Applicant discloses a reinforced concrete section for producing foundations for building whereby the reinforced concrete section consists of two commercially available pre-cast floor elements of the same type, which each comprise a substantially rectangular concrete slab and at least one lattice girder made of steel which is attached thereto, that the two pre-cast floor elements are arranged in a laterally reversed manner so that their concrete slabs are situated parallel to at a distance from each other and their lattice girders face one another, and that the adjacent lattice girders are fixedly attached to one another by at least one transition piece being tied to its top booms. Applicant's disclosed Prior Art fails to disclose that the reinforced concrete section is formed as a single prefabricated part and each transition piece extends rigidly and in essential horizontally between the top booms of the lattice girders of the concrete slabs; wherein the lattice girders are fixedly attached to each other by welding and wherein the transition piece is a flat rod or round rod; and wherein the concrete sections being situated in a position in which they are standing on two of the their longitudinal edges and the space between the concrete slabs of the reinforced concrete sections is filled with site-mixed concrete. Klaue teaches prefabricated spaced building plates (20) with horizontally extending round rod transition pieces (7) connecting lattice points (22) and the fixedly attaching them by welding (Klaue: col. 3, lines 31-35) and wherein the concrete sections being situated in a position in which they are standing on two of the their longitudinal edges and the space

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between the concrete slabs of the reinforced concrete sections is filled with site-mixed concrete (Klaue: col. 1, lines 35-40 and col. 3, lines 6-22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ horizontally extending round rod transition pieces attached by welding, as taught by Klaue, modifying the reinforced concrete section in disclosed Prior Art, thus providing a building construction which is simple in design, rugged in construction and economical to manufacture (Klaue: col. 2, lines 35-37) and which allows variations in thickness of the walls (Klaue: col. 1, lines 69-71).

**FIG. 4**

Klaue

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Response to Arguments

6. Applicant's arguments with respect to claims 1, 2, 4, 5, 8 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meilleur, Kohara and GB 176,868 to Clifton et al. all teach round rod transition pieces connecting concrete sections subsequently filled with poured concrete.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Fitzgerald whose telephone number is (703) 305-4851. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.



JF
02/23/2004

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

